

When I talk about the dignity of work, I understand that my job is to fight for those workers and fight to make sure this never happens again. I will work with anyone to do this.

I am thrilled that Senator VANCE, my freshman colleague in his second month in the Senate, a Republican—we don't agree on the big issues, but we have listened to the same people and sure as heck agree that we need to do this.

I will work to get these reforms passed that hold Norfolk Southern accountable to make sure they pay for every cent of the cleanup.

As I said, Senator VANCE and I come from different parties, but we come together for the people in our State, as I did with Senator Portman. Again, we have major differences on the big issues, but we are working together for Ohio. We pressed Federal officials to take legal action. We pressed for monitoring of potential long-term health effects.

That is how you get things done. You listen to the people whom you serve and you find common ground with the elected officials, who should be your partners, regardless of party.

As I said, it is what we did with Senator Portman again and again. We found agreement wherever we could and got things accomplished.

Right after Senator Portman left office—he was maybe out of office for 2 days in January—he and I and Senator MCCONNELL, who sits at this chair and is the Republican leader, with Governor DeWine, a Republican, and the Governor of Kentucky, a Democrat, and the President of the United States stood at the Brent Spence Bridge, a project we have been working on for 10 years. Three percent of GDP crosses over that bridge, connecting Senator MCCONNELL's State and Cincinnati in my State.

Senator Portman and I worked together to come up with the strongest "Buy American" laws ever; to strengthen our trade enforcement laws to protect Ohio workers and Ohio businesses, like Whirlpool; expanding access for opioid addiction; the PACT Act, taking care of veterans exposed to those football field-sized burn pits and, maybe 2, 3, 5, 10 years later, develop a cancer or bronchial illness. They need treatment and they show up at the VA, and because of the PACT Act that Senator TESTER, my colleague and the principal writer, and I, who also helped write—which is named after an Ohioan—the PACT Act will save lives.

I am hopeful that we continue that bipartisan Ohio tradition with Senator VANCE, starting with these common-sense reforms to prevent other Ohio communities from facing another disaster.

As I told the residents of East Palestine, I am here for the long haul. The last time I was there, I said to the mayor: I am going to keep calling you on the phone. I am going to keep calling the fire chief. I am going to keep

calling Melissa Smith, who owns that candle company. I am going to show up. I am not going away until this is fixed, until people's lives are back to normal, and until Norfolk Southern is held accountable. When people who don't live in Ohio pack up in a week or two, we are still going to be there for months, for the next year—for the next 10 years, if that is what it takes to make this right.

I hope my colleagues of both parties will show that same commitment that Senator VANCE is saying and Senator RUBIO and Senator CASEY and Senator FETTERMAN and Senator HAWLEY. Join us to get something real done for the people whom we serve.

The PRESIDING OFFICER. The Senator from Ohio.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF ARACELI MARTINEZ-OLGUIN

Mr. DURBIN. Madam President, this week, the Senate confirmed Araceli Martinez-Olguin to the U.S. District Court for the Northern District of California.

A first-generation American, Ms. Martinez-Olguin graduated from Princeton University and the University of California, Berkeley School of Law, before clerking for Judge David Briones on the U.S. District Court for the Western District of Texas. From there, she embarked on a legal career defined by her commitment to protecting the rights of immigrants, workers, students, and women—from the ACLU Women's Rights Project to Legal Aid at Work, to the Department of Education's Office of Civil Rights, and the National Immigration Law Center. In addition to her experience assisting with legal briefs for cases being considered by the Supreme Court, Ms. Martinez-Olguin has focused on dozens of immigration and employment matters, many of which implicated complex statutory schemes.

The American Bar Association rated Ms. Martinez-Olguin as "qualified," and her nomination was strongly supported by her home State Senators, Mrs. FEINSTEIN and Mr. PADILLA.

With a career-long commitment to defending equal justice for all, and a professional background that is historically underrepresented on the bench, Ms. Martinez-Olguin will serve the Northern District of California with distinction. I was proud to support her nomination.

CONFIRMATION OF JAMAL N. WHITEHEAD

Mr. DURBIN. Madam President, yesterday, the Senate voted to confirm Jamal Whitehead to the U.S. District Court for the Western District of Washington.

Mr. Whitehead's significant trial experience in both government and private practice and his commitment to equal justice under law make him an outstanding nominee to the district court. After graduating from the University of Washington and the Seattle University School of Law, he joined the U.S. Equal Employment Opportunity Commission's—EEOC—Seattle field office as a trial attorney. While at the EEOC, Mr. Whitehead was responsible for enforcing Federal employment discrimination laws, including title VII of the Civil Rights Act and the Americans with Disabilities Act.

Mr. Whitehead then served as an Assistant U.S. Attorney in the civil division of the U.S. Attorney's Office for the Western District of Washington, where he handled both employment and tort matters. He returned to private practice in 2016 and has continued to focus on civil rights, including representing individuals who have brought claims against their employers for harassment, discrimination, or retaliation.

Mr. Whitehead is President Biden's first judicial nominee living with a known physical disability, and he will be one of few Federal judges who understands this experience. He will bring a valuable perspective to the district court bench. In addition, the American Bar Association unanimously rated Mr. Whitehead "well qualified," and he has the strong support of his home-state Senators, Mrs. MURRAY and Ms. CANTWELL.

I supported his nomination and was glad to see him confirmed.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23-0B. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-65 of October 29, 2019.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 23-0B

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Purchaser: Government of Japan.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 19-65; Date: October 29, 2019; Implementing Agency: Air Force.

(iii) Description: On October 29, 2019, Congress was notified by Congressional certification transmittal number 19-65 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of the upgrade of up to ninety-eight (98) F-15J aircraft to a Japanese Super Interceptor (JSI) configuration consisting of up to one hundred three (103) APG-82(v)1 Active Electronically Scanned Array (AESA) Radar (includes 5 spares); one hundred sixteen (116) Advanced Display Core Processor II (ADCP II) Mission System Computer (includes 19 spares); and one hundred one (101) ALQ-239 Digital Electronic Warfare System (DEWS) (includes 3 spares). Also included were Joint Mission Planning System (JMPS) with software, training and support; Selective Availability Anti-spoofing Module (SASSM); ARC-210 radio, aircraft and munition integration and test support; ground training devices (including flight and maintenance simulators); support and test equipment; software delivery and support; spare and repair parts; communications equipment; facilities and construction support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering; technical and logistics support services; studies and surveys; and other related elements of logistical and program support. The estimated total program cost was \$4.5 billion. Major Defense Equipment (MDE) constituted \$2.4 billion of this total.

On July 26, 2022, Congress was notified by Congressional certification transmittal number 22-0K of the possible sale, under Section 36(b)(5)(C) of the Arms Export Control Act, of one hundred three (103) AN/ALQ-250 Eagle Passive Active Warning Survivability System (EPAWSS) electronic warfare suites. The total cost of new MDE articles was \$956 million. This did not increase the total net cost of MDE, which remained \$2.4 billion. The total case value did not increase, remaining \$4.5 billion.

This transmittal notifies the addition of the following MDE items: up to one (1) Instrumented Test Vehicle; two (2) JASSM AGM-158 Separation Test Vehicles; two (2) JASSM AGM-158 Jettison Test Vehicles; two (2) ASSM AGM-158 Captive Carry Flight Test Vehicles; two (2) AGM-158 Inert JASSMs; and one hundred three (103) Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI) devices with M-code technology. The total cost of new MDE articles is \$41 million. The total net cost of MDE remains \$2.4 billion. The total net cost of non-MDE remains \$2.1 billion. The total case value remains \$4.5 billion.

(iv) Significance: The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed articles and services will assist Japan in developing and maintaining a strong and effective self-defense capability.

(v) Justification: This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Asia-Pacific region.

(vi) Sensitivity of Technology:

The AGM-158B/B-2 Joint Air-to-Surface Standoff Missile with Extended Range (JASSM-ER) is a low-observable, highly-survivable, subsonic cruise missile designed to penetrate next-generation air defense systems en route to target. The JASSM-ER is designed to kill hard, medium-hardened, soft and area-type targets. A turbo-fan engine and reconfigured fuel tanks provide added capacity. This potential sale will only include testing and training munitions.

a. The AGM-158B-2 system capabilities include all the capabilities of the AGM-158/B. The AGM-158B-2 configuration has different internal components to address multiple obsolescence issues as well as subcomponent updates to position for GPS M-Code and other potential upgrades.

b. The AGM-158 Instrumented Test Vehicle (ITV) is a flight certification vehicle equipped with an intelligent Test Instrumentation Kit (iTik). The ITV collects airworthiness data to ensure safe separation of the munition from the aircraft.

c. The JASSM AGM-158 Separation Test Vehicle (STV), equipped with iTik, collects separation data during airworthiness/flight certification.

d. The JASSM Jettison Test Vehicle (JTV) is used during the airworthiness data collection process to ensure safe jettison of the munition from the aircraft. It provides pilot captive-carry training with recording capability for post-release data analysis.

e. The JASSM AGM-158 Captive Carry Flight Test Vehicle, equipped with iTik, has an inert warhead and fuze and an anti-jam GPS receiver. It is used solely for captive carry testing, conducted in the U.S.

f. The AGM-158 Inert JASSM, equipped with iTik, has an inert warhead and fuze and an anti-jam GPS receiver. It is used for live launch testing, conducted in the U.S.

The M-Code capable Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI), with an embedded GPS Precision Positioning Service (PPS) Receiver Application Module-Standard Electronic Module (GRAM-S/M), is a self-contained navigation system that provides acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. The embedded GRAM-S/M enables access to both the encrypted P(Y) and M-Code signals, providing protection against active spoofing attacks, enhanced military exclusivity, integrity, and anti-jam.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) Date Report Delivered to Congress: February 28, 2023.

ARMS SALES NOTIFICATION

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has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-09, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost \$619 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 23-09

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States (TECRO).

(ii) Total Estimated Value:

Major Defense Equipment* \$557 million.

Other \$62 million.

Total \$619 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

One hundred (100) AGM-88B High-Speed Anti-Radiation Missiles (HARM).

Twenty-three (23) HARM Training Missiles.

Two hundred (200) AIM-I20C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM).

Four (4) AIM-I20C-8 AMRAAM Guidance Sections.

Twenty-six (26) LAU-129 Multi-Purpose Launchers.

Non-MDE: Also included are LAU-118A missile launchers with Aircraft Launcher Interface Computer (ALIC); HARM missile containers; AIM-120 control sections and containers; AIM-120C Captive Air Training Missiles (CATM); dummy air training missiles (DATM), integration and test support and equipment; munitions support and support equipment; spare parts, consumables and accessories and repair and return support; classified software; maintenance and maintenance support; classified publications and technical documentation; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistical and program support.